

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Nicole M. Huby,

Plaintiff,

Case No. 19-13419

v.

Judith E. Levy

United States District Judge

State of Michigan,

Mag. Judge David R. Grand

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION [15]**

Before the Court is Magistrate Judge David R. Grand's Report and Recommendation recommending the Court dismiss Plaintiff's case under Federal Rule of Civil Procedure 41(b) and that Defendant's motion to dismiss (ECF No. 8) be denied as moot. (ECF No. 15.) The parties were required to file specific written objections, if any, within 14 days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d). No objections were filed. The Court has nevertheless carefully reviewed the Report and Recommendation and concurs in the reasoning and result. Accordingly,

The Report and Recommendation (ECF No. 15) is ADOPTED;

This case is DISMISSED WITH PREJUDICE under Federal Rule of Civil Procedure 41(b); and

Defendant's motion to dismiss (ECF No. 8) is DENIED AS MOOT.<sup>1</sup>

IT IS SO ORDERED.

Dated: February 9, 2021  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 9, 2021.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager

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<sup>1</sup> By failing to object to the Report and Recommendation, the parties have forfeited any further right of appeal. *United States v. Wandahsega*, 924 F.3d 868, 878 (6th Cir. 2019); *see also Berkshire v. Beauvais*, 928 F.3d 520, 530 (6th Cir. 2019).